

### REMARKS

Claims 1-15 and 24-42 remain pending. Claim 33 is amended herein. No new matter has been added. Claims 1-15 and 24-42 are rejected herein.

### Rejections 35 U.S.C. 102

Claims 1-9, 24-32 and 33-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Chawla (2002/0142788). The rejection is respectfully traversed for the following rational.

Applicants have reviewed Chawla and respectfully submit that the claimed features of Claims 1-9, 24-32 and 33-42 are not anticipated by Chawla.

### **MPEP §2131 provides:**

**“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).**

Applicants respectfully submit that Chawla fails to teach or suggest the claimed features of Independent Claims 1, 24 and 32. Specifically, Applicants submit that Chawla fails to teach or suggest “controlling transmissions from said mobile transmitter in order to comply with communication regulations,” as claimed.

With Chawla, transmissions are modified based on path loss. Specifically, Chawla teaches “the determined path losses are used to form the signal propagation characterization which can be used to predict signal strength received at locations of the measuring wireless terminals based on a corresponding increase or decrease in the base station transmission power” (paragraph 0012). With Chawla, the signal strength is modified to enable consistent signal strength for a particular area whereas the present claimed invention controls signal transmissions to enable transmission that is compliant with a communication regulation.

Chawla fails to teach or suggest modifying signal transmissions based on communication regulations, as claimed. The examiner relies on sections (0025 and 0027) as teaching a neighboring service contour that is associated with an FCC license. Applicants have reviewed Chawla and respectfully submit that Chawla fails to teach or suggest a neighboring service contour associated with an FCC license.

Additionally, Chawla fails to teach or suggest modifying transmissions to reduce interference with a neighboring service area. In fact, Chawla teaches away from this claimed feature in paragraph 0026 by teaching “overlap regions exist between the service areas 105-115 to enable hand-offs between adjacent base stations to provide substantially uninterrupted communications of a wireless terminal as it travels across service area boundaries.” With Chawla, the neighboring service area is utilized by the mobile device to enable “hand-offs” which teaches away from “controlling transmissions from said mobile transmitter to avoid an overlap of said geographic interference contour and said neighboring service contour,” as claimed.

For this rational, Applicants believe Independent Claims 1, 24 and 33 are not anticipated by Chawla. As such, Applicants believe Claims 1-9, 24-32 and 33-42 are not anticipated by Chawla and Applicants respectfully request the rejection be removed.

#### Rejections 35 U.S.C. 103

Claims 6, 10-15, 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla in view of Bromham (2003/0119445). The rejection is respectfully traversed for the following rational.

Applicants have reviewed Chawla in combination with Bromham and respectfully submit that the claimed features of Claims 1-9, 24-32 and 33-42 are patentable over Chawla alone and in combination with Bromham for the following rational.

For the reasons presented above, Applicants submit Chawla fails to teach or suggest the claimed features of Independent Claims 1, 24 and 33. Applicants further submit that Bromham fails to remedy the deficiencies of Chawla.

Specifically, while Bromham may teach disabling transmissions, Bromham fails to teach or suggest “controlling transmissions from said mobile transmitter to avoid an overlap of said geographic interference contour and said neighboring service contour,” as claimed.

Additionally, Bromham disables transmissions to “enhance the safety and comfort of both vehicles and their occupants.” Bromham does not teach or suggest controlling transmissions to comply with communication regulations, as claimed. Applicants submit that the intended purpose of Bromham and the present invention are very different and the teachings of Bromham can not be combined with the teachings of Chawla without significant modifications to the teachings of Chawla.

For this rational, Applicants submit Independent Claims 1, 24 and 33 are patentable over Chawla alone and in combination with Bromham. As such, Applicants submit Claims 6, 10-15, 29 and 40 are patentable over Chawla alone and in combination with Bromham and Applicants respectfully request the rejection be removed.

Conclusion

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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